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Dated: 9-22-03

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(Kim R. Dufault)

RECEIVED
Docket No.: JJJ-P01-520
(PATENT)
SEP 29 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Patent Application of:
Kuber T. Sampath

Application No.: 09/581770

Confirmation No.: 7664

Filed: December 29, 2000

Art Unit: 1646

For: METHODS FOR MAINTAINING OR
RESTORING TISSUE-APPROPRIATE
PHENOTYPE OF SOFT TISSUE CELLS

Examiner: Ruixiang Li

September 22, 2003

**COMMUNICATION IN RESPONSE TO AUGUST 21, 2003
RESTRICTION REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An office action was issued August 21, 2003 in connection with the subject application. The office action provided a period of one month for filing a response. Therefore, a response was due September 21, 2003. However, since September 21, 2003 was a Sunday, pursuant to 37 CFR §1.7, a response may be filed on the next succeeding day which is not a Saturday, Sunday or federal holiday, *i.e.* Monday September 22, 2003. Accordingly, this communication is being timely filed.

Restriction

The Examiner required election of one of the following groups:

- Group I: Claims 20-27, 31, 33(in part), 34 (in part) and 38 (in part), allegedly drawn to a method of restoring cellular phenotype in a subject's cell affected by disease, damage, or age, comprising administering to the subject an effective amount of a morphogen to activate an intracellular pathway that induces intracellular formation of a Smad complex, which induces expression of a phenotype-specific gene, thereby restoring the phenotype in the subject cell;
- Group II: Claims 28-30, 32, 33(in part), 34 (in part), and 38 (in part), allegedly drawn to a method of restoring cellular phenotype in a subject's cell affected by disease, damage, or age, comprising administering to the subject an effective amount of a morphogen to inhibit TGF- β from promoting formation of scar tissue via fibrosis, thereby restoring the cellular phenotype of the subject's cell; and
- Group III: Claims 35-37, and 38 (in part), allegedly drawn to a method for inhibiting TGF- β mediated fibrosis of tissue comprising contacting the tissue with an effective TGF- β inhibiting amount of a morphogens, thereby inhibiting fibrosis of the tissue.

In response to this restriction requirement, applicants hereby elect, with traverse, Examiner's Group I. Applicants contend that there will not be any undue burden on the examiner to search the pending claims which all recite uses of morphogens. Applicants respectfully request that the present restriction requirement be withdrawn.

Applicant believes no fee is deemed necessary. However, if a fee is due, authorization is hereby given to charge our Deposit Account No. 18-1945, under Order No. JJJ-P01-520.

Dated: September 22, 2003

Respectfully submitted,

By 

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